

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

KIOWA TRIBE and COMANCHE)
NATION,)
Plaintiffs,)
)
v.) CIV-22-425-G
)
THE UNITED STATES)
DEPARTMENT OF THE INTERIOR,)
<i>et al.</i>)
Defendants.)

**FEDERAL DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE A SUPPLEMENTAL MOTION REGARDING
STANDING OF PLAINTIFF COMANCHE NATION**

Defendants United States Department of the Interior (“DOI”); Bryan Newland, in his Official Capacity as Assistant Secretary – Indian Affairs (“Assistant Secretary Newland”); Darryl LaCounte, in his Official Capacity as Director of the Bureau of Indian Affairs (“Director LaCounte”); and Sequoyah Simermeyer, in his Official Capacity as Chairman (“Chairman Simermeyer”) of the National Indian Gaming Commission (“NIGC”) (collectively “Federal Defendants”), pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), respectfully request a one-week extension of time, or until March 28, 2023, to file their supplemental motion regarding standing of Plaintiff Comanche Nation to pursue the remaining claims of this action. *See* ECF No. 120.

Pursuant to Local Rule 7.1(h), Federal Defendants respectfully submit the following:

1. **Original Response Date:** On March 7, 2023, the Court ordered the defendants to file any supplemental motions regarding the standing of Plaintiff Comanche

Nation to pursue the remaining claims of this action within fourteen (14) days, which is by March 21, 2023.

2. **Previous Applications:** No previous requests for extension of this deadline to file supplemental motions have been made.

3. **Specific Reasons for the Request:** Lead counsel is scheduled for oral argument before the Tenth Circuit on March 21, 2023, in *Smith v. McDonough*; 22-6131. Lead counsel is currently preparing for oral argument and will be in travel status at the time the supplemental motion is due. Additionally, the undersigned has been unexpectedly out of the office due to urgent medical care of her minor child and will be out of the office for a portion of next week as well. Moreover, the undersigned will require additional time to consult with client agencies prior to the filing of the Federal Defendants' motion. Therefore, additional time is needed to adequately prepare a supplemental motion regarding the issue of standing.

4. **Plaintiff's Position:** Plaintiff Comanche Nation does not oppose the requested extension. Defendant Fort Sill Apache Tribe also does not oppose the requested extension.

5. **Impact on Deadlines:** There should be no impact on other deadlines.

6. **Relief Requested:** Federal Defendants respectfully request that the deadline to file their supplemental motion regarding the standing of Plaintiff Comanche nation to pursue the remaining claims of this action be extended by one week, or until March 28, 2023.

Pursuant to Local Civil Rule 7.1(h), a proposed order will be submitted.

Respectfully Submitted,

ROBERT J. TROESTER
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s/ Alison E. Spurlock

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